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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/522,108  | 08/24/2005  | Rudi Koelle          | 095309.55847US      | 2139             |
| 23911 7590 10/28/2008<br>CROWELL & MORING LLP<br>INTELLECTUAL PROPERTY GROUP<br>P.O. BOX 14300<br>WASHINGTON, DC 20044-4300 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| TANG, JEFF  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3634  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 10/28/2008  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/522,108

**Applicant(s)**

KOELE ET AL.

**Examiner**

Jeff Tang

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-34 is/are pending in the application.  
4a) Of the above claim(s) 25-34 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 15-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 01 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-850)  
Paper No(s)/Mail Date 1/24/05, 8/24/05, 3/12/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Election/Restrictions***

2. Applicant's election without traverse of invention 1, claims 15-24 in the reply filed on 7/23/08 is acknowledged.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The term "range of tolerances" in claims 19 and 23 are is a relative term which renders the claim indefinite. The term "range of tolerances" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The examiner will review the claims as best understood.

6. Further, applicant is claiming numerous distinct embodiments with the 'and/or/' terminology. Every distinct embodiment claimed must be shown. Applicant must point out:

- Fastening of lock unit to assembly support

- Fastening of outside actuating unit to the assembly support
- What is {fastened?} to the lock unit???
- Examiner cannot follow this claim – applicant must clearly explain what is being claimed. With multiple to the...and/or to... examiner doesn't know what goes with what. (see above).

The assembly support as claimed in claim 15, wherein a fastening of the lock unit to the assembly support and/or of the outside actuating unit to the assembly support and/or to the lock unit permits positioning of at least one of the lock unit and the outside actuating unit within a predetermined range of tolerances

#### **Claim Rejections - 35 USC § 102**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 15-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Benoit et al. (US 5,095,659).** Benoit et al. disclose an assembly support (50) designed for fastening to a body shell of a vehicle door of a passenger vehicle equipped with a locking system comprising a lock unit (57) of the locking system fastened to the assembly support, and an outside actuating unit of the locking system coupled to the lock unit via an operative connection (81) wherein the assembly support, when fastened to the body shell, closes an installation opening left open on the body shell (Fig. 1), and wherein the outside actuating unit is fastened to at least one of the assembly support and the lock unit (Fig. 10); **[claim 16]** wherein the outside actuating unit is designed in

such a manner that, with the assembly support fastened to the body shell, an outside door handle of the locking system can be fastened from an outer side of the vehicle door through an outer skin of the body shell to the outside actuating unit (column 8, last line- Column 9, line 7); **[claims 17 and 21]** wherein the lock unit is fastened to the assembly support by way of a first adaptor (65, Fig. 9); **[claims 18 and 22]** wherein the outside actuating unit is fastened to the at least one of the assembly support and the lock unit by way of a second adaptor (77); **[claims 19 and 23]** wherein a fastening of the lock unit to the assembly support and/or of the outside actuating unit to the assembly support and/or to the lock unit permits positioning of at least one of the lock unit and the outside actuating unit within a predetermined range of tolerances (Column 9, lines 3-7); **[claims 20 and 24]** wherein functionality of the lock unit, the outside actuating unit and the operative connection is tested and adjusted when the assembly support is finished and has not yet been fitted into the vehicle door (Column 3, lines 48-65)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Tang whose telephone number is (571) 270-5223. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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